

EXHIBIT A



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
December 30, 2020 11:58

By: DENNIS R. LANSDOWNE 0026036

Confirmation Nbr. 2145930

ROBERT P. DUCATMAN

CV 20 942277

vs.

Judge: DEENA R. CALABRESE

DAKOTA MINNESOTA & EASTERN RAILROAD CORP
ET AL

Pages Filed: 4



Common Pleas Court of Cuyahoga County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Robert P. Ducatman

Plaintiff

Case Number: _____

Date: _____

Vs.

Dakota Minnesota & Eastern Railroad Corp.

Defendant

Has this case been previously filed and dismissed? Yes ☐ No ☒

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☐

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) In ONE Classification Only.**Professional Torts:**

- ☐ 1311 Medical Malpractice
☐ 1315 Dental Malpractice
☐ 1316 Optometric Malpractice
☐ 1317 Chiropractic Malpractice
☐ 1312 Legal Malpractice
☐ 1313 Other Malpractice

Product Liability:

- ☐ 1330 Product Liability

Other Torts:

- ☒ 1310 Motor Vehicle Accident
☐ 1314 Consumer Action
☐ 1350 Misc. Tort

Workers Compensation:

- ☐ 1550 Workers Compensation
☐ 1531 Workers Comp. Asbestos

Foreclosures:

- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:

- ☐ 1386 Commercial Docket
☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- ☐ 1540 Employment Services
☐ 1551 Other

Other Civil:

- ☐ 1500 Replevin/Attachment
☐ 1382 Business Contract
☐ 1384 Real Estate Contract
☐ 1388 Consumer Debt
☐ 1390 Cognovit
☐ 1391 Other Contracts
☐ 1490 Foreign Judgment
☐ 1491 Stalking Civil Protection Order
☐ 1501 Misc. Other
☐ 1502 Petition to Contest Adam Walsh Act
☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:

- ☐ None Stated
☐ Less than \$25,000
☒ Prayer Amount \$25,000

Parties have previously attempted one of the following prior to filing:

- ☐ Arbitration
☐ Early Neutral Evaluation
☐ Mediation
☒ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

Spangenberg Shibley & Liber, LLP

Firm Name (Print or type)

1001 Lakeside Ave., Ste. 1700

Address

Cleveland, OH 44114

Address

(216) 696-3232

Phone

Dennis R. Lansdowne, Esq.

Attorney of Record (Print or Type)

0026036

Supreme Court #

dlansdowne@spanglaw.com

Email Address

Signature

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ROBERT P. DUCATMAN
5309 Denise Court
Solon, OH 44139

Plaintiff,

v.

DAKOTA MINNESOTA & EASTERN
RAILROAD COPORATION
c/o CT Corporation System, Inc.
1010 Dale Street North
St. Paul, MN 55117-5603

and

DAKOTA MINNESOTA & EASTERN
RAILROAD COPORATION
c/o Keith E. Creel, CEO
120 South 6th Street | Suite 800
Minneapolis, MN 55402-1201

and

DAKOTA MINNESOTA & EASTERN
RAILROAD CORPORATION
c/o CT Corporation System
400 East Court Avenue
Des Moines, IA 50309

and

JACOB JAMES GRAVES
714 North Main
Brookfield, MO 64628

Defendants.

) Case No.:

) JUDGE

COMPLAINT

Jury Demand Endorsed Herein

-
1. Plaintiff, Robert P. Ducatman, at all times relevant, was a resident of Cuyahoga County, Ohio residing at 5309 Denise Court, Solon, Ohio 44139.

2. At all times relevant, the Defendant, Dakota Minnesota & Eastern Railroad Corporation, was a foreign corporation operating under the fictitious name of Canadian Pacific and was domiciled in Minneapolis, Minnesota. Furthermore, at all times relevant, Dakota Minnesota & Eastern Railroad Corporation owned and had in operation a 2010 semi-tractor-trailer bearing USDOT No. 527121; Vehicle Identification No. 5KJJABDR0APAR0805 and an Iowa license plate no. VE3911.

3. On or about September 17, 2020, the Defendant, Jacob James Graves, was employed as a truck driver for Dakota Minnesota & Eastern Railroad Corporation and was, at all times relevant, operating the 2010 semi-tractor-trailer bearing USDOT No. 527121; Vehicle Identification No. 5KJJABDR0APAR0805 and an Iowa license plate no. VE3911.

4. On or about September 17, 2020, Mr. Graves was operating the 2010 semi-tractor trailer in an eastbound direction on State Route 43 (Aurora Road) in Solon, Ohio.

5. At all times relevant, Plaintiff, Robert P. Ducatman, was a pedestrian, lawfully crossing State Route 43 in the crosswalk at the intersection of Hawthorne Parkway and State Route 43.

6. At all times relevant, Mr. Graves failed to yield the right of way to Mr. Ducatman who was in the crosswalk at the intersection of Hawthorne Parkway and State Route 43. Mr. Graves negligently and recklessly operated the 2010 semi-tractor-trailer failing to yield the right of way to Mr. Ducatman and striking Mr. Ducatman in the crosswalk at Hawthorne Parkway and State Route 43.

7. Plaintiff further states that as a direct and proximate result of Defendant's negligence and reckless operation of the 2010 semi-tractor-trailer, Plaintiff Robert P. Ducatman suffered severe and permanent personal injuries, pain and suffering of both body

and mind, including fractures of the right tibia, fibula, ankle and left humerus. Plaintiff has also incurred medical bills as well as lost wages and other economic losses. All of the foregoing injuries and damages are permanent.

WHEREFORE, Plaintiff prays for judgment against the Defendants in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), together with the cost of suit, interest and attorney's fees.

A TRIAL BY JURY IS HEREBY REQUESTED.

Respectfully submitted,



DENNIS R. LANSDOWNE (0026036)
NICHOLAS A. DICELLO (0075745)
SPANGENBERG SHIBLEY & LIBER, LLP
1001 Lakeside Avenue, East | Suite 1700
Cleveland, Ohio 44114
(216) 696-3232 | Phone
(216) 696-3924 | Facsimile
dlansdowne@spanglaw.com
ndicello@spanglaw.com

CASE NO. CV20942277	D1 CM	SUMMONS NO. 43333099
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Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

PLAINTIFF

DEFENDANT

ROBERT P. DUCATMAN
VS
DAKOTA MINNESOTA & EASTERN RAILROAD
CORP., ET AL

DAKOTA MINNESOTA & EASTERN RAILROAD
CORPORATION
CO CT CORPORATION SYSTEM, INC.
1010 DALE STREET NORTH
ST. PAUL MN 55117

Said answer is required to be served on:



Plaintiff's Attorney

NICHOLAS A DICELLO
1001 LAKESIDE AVE. EAST

SUITE 1700
CLEVELAND, OH 44114-0000

Case has been assigned to Judge:

DEENA R CALABRESE
**Do not contact judge. Judge's name is given for
attorney's reference only.**

DATE SENT
Jan 4, 2021

NAILAH K. BYRD
Clerk of the Court of Common Pleas

Jon Bullock

By _____
Deputy



COMPLAINT FILED 12/30/2020



CASE NO. CV20942277	D2 CM	SUMMONS NO. 43333100
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Rule 4 (B) Ohio

Rules of Civil
Procedure**SUMMONS****PLAINTIFF****DEFENDANT**ROBERT P. DUCATMAN
VSDAKOTA MINNESOTA & EASTERN RAILROAD
CORP., ET ALDAKOTA MINNESOTA & EASTERN RAILROAD
CORPORATION
CO KEITH E CREEL, CEO
120 SOUTH 6TH STREET, SUITE 800
MINNEAPOLIS MN 55402

Said answer is required to be served on:



Plaintiff's Attorney

NICHOLAS A DICELLO
1001 LAKESIDE AVE. EAST

SUITE 1700
CLEVELAND, OH 44114-0000

Case has been assigned to Judge:

DEENA R CALABRESE
**Do not contact judge. Judge's name is given for
attorney's reference only.**

You have been named defendant in a sums
complaint (copy attached hereto) filed in Cuyahoga
County Court of Common Pleas, Cuyahoga County
Justice Center, Cleveland, Ohio 44113, by the
plaintiff named herein.

You are hereby summoned and required to answer
the complaint within 28 days after service of this
summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's
Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court
within 3 days after service of said answer on
plaintiff's attorney.

If you fail to do so, judgment by default will be
rendered against you for the relief demanded in the
complaint.

NAILAH K. BYRD
Clerk of the Court of Common Pleas

By _____
Deputy**DATE SENT**

Jan 4, 2021

COMPLAINT FILED 12/30/2020



CASE NO. CV20942277	D3 CM	SUMMONS NO. 43333101
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Rule 4 (B) Ohio

Rules of Civil
Procedure**SUMMONS**

ROBERT P. DUCATMAN VS DAKOTA MINNESOTA & EASTERN RAILROAD CORP., ET AL	PLAINTIFF DEFENDANT
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DAKOTA MINNESOTA & EASTERN RAILROAD
CORPORATION
CO CT CORPORATION SYSTEM, INC.
400 EAST COURT AVENUE
DES MOINES IA 50309

Said answer is required to be served on:



Plaintiff's Attorney

NICHOLAS A DICELLO
1001 LAKESIDE AVE. EAST

SUITE 1700
CLEVELAND, OH 44114-0000

Case has been assigned to Judge:

DEENA R CALABRESE
**Do not contact judge. Judge's name is given for
attorney's reference only.**

DATE SENT
Jan 4, 2021

By _____
Deputy

NAILAH K. BYRD
Clerk of the Court of Common Pleas



COMPLAINT FILED 12/30/2020



CASE NO. CV20942277	D4 CM	SUMMONS NO. 43333102
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Rule 4 (B) Ohio

Rules of Civil
Procedure**SUMMONS**

ROBERT P. DUCATMAN VS DAKOTA MINNESOTA & EASTERN RAILROAD CORP., ET AL	PLAINTIFF DEFENDANT
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JACOB JAMES GRAVES 714 NORTH MAIN BROOKFIELD MO 64628

Said answer is required to be served on:



Plaintiff's Attorney

NICHOLAS A DICELLO 1001 LAKESIDE AVE. EAST SUITE 1700 CLEVELAND, OH 44114-0000

Case has been assigned to Judge:

DEENA R CALABRESE Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD
 Clerk of the Court of Common Pleas

By _____
Deputy

DATE SENT Jan 4, 2021



COMPLAINT FILED 12/30/2020

